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2191

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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/812,220

Applicant(s)

JAMES ET AL.

Examiner

Junchun Wu

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 15-22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-9,15-22 and 24-27 are pending in this application.
2. Claims 1,15,20,21 have been amended.
3. Claims 10-14,23 have been cancelled.
4. Claims 25-27 are new.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3-5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen et al. (US Pub. No. 20040243997 A1, hereinafter "Mullen"), in view of Matyas, Jr. et al. (US Patent No. 7,051,211 B1, hereinafter "Matyas").

7. Per claim 1 (Currently amended)

Mullen discloses

A method for controlling program installation on a computing device, the method comprising:

- **an installer program** that executes on the computing device determining the configuration of an existing program that executes on the computing device ([0028] "*The installation program 52 then processes (at block 156) the application/OS configuration list 56 to determine the operating system configuration settings*").

Art Unit: 2191

- the installer program that executes on the computing device determining the configuration of a new program that is to be installed on the computing device to replace the existing program from information stored within a software package that comprises the new program ([0009] *“The application configuration setting information is processed to determine application configuration settings included in the computer for the at least one preexisting application program and the **determined** application configuration settings are copied to application configuration settings in the second file directory, wherein the installed at least one application program that executes with the second operating system uses the configuration settings copied to the second file directory.”*).

But Mullen does not disclose

- the installer program that executes on the computing device determining whether installation of the new program is authorized through comparison of the configurations of the new and existing programs
- the installer program that executes on the computing device preventing installation of the new program if installation is not authorized.

However, Matyas discloses

- the installer program that executes on the computing device determining whether installation of the new program is authorized through comparison of the configurations of the new and existing programs (col.3 lines 45-55 *“...is compared with the second authorization code in direct or encrypted form. Depending upon the results of this comparison, a system may generate a signal that allows the installation of a piece of software.”*).

Art Unit: 2191

- the installer program that executes on the computing device preventing installation of the new program if installation is not authorized (col.14 lines 39-43 *"If the installation is not authorized, then the request is rejected..."*).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Mullen with the teachings of Matyas to include determine whether installation of the new operating system is authorized through comparison of the configurations of the new and existing operating systems and prevent installation of the new operating system if installation is not authorized in order to utilize computers equipped in a certain way to ensure that information is accessed and used in an authorized way (Matyas col.3 lines 3-5).

8. Per claim 3 (Original)

the rejection of claim 1 is incorporated and Mullen further discloses

- determining the configuration of an existing program comprises determining the configuration of a program that is embedded in solid-state memory of the computing device ([0019] *"A service processor may include application programs to perform operations such as system monitoring and maintenance for the storage system in which the processor is embedded. "* & [0031] *"a computer readable medium, such as magnetic storage medium (e.g., hard disk drives, floppy disks, tape, etc.), optical storage (CD-ROMs, optical disks, etc.), volatile and non-volatile memory devices (e.g., EEPROMs, ROMs, PROMS, RAMS, DRAMS, SRAMs, firmware, programmable logic, etc.)"* & reference to claim 4 of Mullen's invention).

9. Per claim 4 (Original)

the rejection of claim 1 is incorporated and Mullen further discloses

- determining the configuration of an existing program comprises determining the configuration of an operating system that is embedded in re-writable, solid-state memory of a terminal computer (reject the same reason as claim 3 above).

10. Per claim 5 (Original)

the rejection of claim 1 is incorporated and Mullen further discloses

- determining the configuration of an existing program comprises reading configuration information stored in a management interface of the computing device ([0024] *i.e. OS configuration setting and application configuration setting are stored in the file system. The file system which is resided in memory where the management interface is located*).

11. Per claim 8 (Original)

the rejection of claim 1 is incorporated and Matyas further discloses

- determining whether installation of new program is authorized comprises comparing the existing program and the new program to determine whether they are of the same type (col.3 lines 45-55 “...is compared with the second authorization code in direct or encrypted form. Depending upon the results of this comparison, a system may generate a signal that allows the installation of a piece of software.”).

Art Unit: 2191

12. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Matyas, and further view of Herrick (US Pub. No.20040181790 A1).

13. Per claim 2 (Original)

the rejection of claim 1 is incorporated

But Mullen and Matyas do not disclose

- determining the configuration of an existing program comprises determining at least one of a program type and version, and determining the configuration of a new program comprises determining at least one of a program type and version.

However, Herrick discloses

- determining the configuration of an existing program comprises determining at least one of a program type and version, and determining the configuration of a new program comprises determining at least one of a program type and version ([0026] “*identify versions or configurations of installed software on a computer for which it is desired to verify the currency of the installed software.*” & *configuration of software implicitly included the software or program type*).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Mullen and Matyas and further include determining the configuration of an existing program comprises determining at least one of a program type and version, and determining the configuration of a new program comprises determining at least one of a program type and version by the teachings of Herrick in order to identify versions may be compared to an identified build level to determine compliance.

Art Unit: 2191

14. Per claim 9 (Original)

the rejection of claim 1 is incorporated

But Mullen and Matyas do not disclose

- Determining whether installation of the new program is authorized further comprises comparing version information for the existing program and the new program.

However, Herrick discloses

- Determining whether installation of the new program is authorized further comprises comparing version information for the existing program and the new program ([0026] *“identify versions or configurations of installed software on a computer for which it is desired to verify the currency of the installed software.” & configuration of software implicitly included the software or program type*).
- The feature of providing determining whether installation of the new program is authorized would be obvious for the reasons set forth in the rejection of claim 1.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Matyas, and further view of Delgado et al. (US Pub. No. 20050066324 A1, hereinafter “Delgado”) and Ahuje (US Patent No. 6,122,732).

16. Per claim 6 (Original)

the rejection of claim 1 is incorporated

But Mullen and Matyas do not disclose



Art Unit: 2191

- determining the configuration of an existing program comprises reading a program type and version from an original equipment manufacturer (OEM) string of a desktop management interface (DMI) of the computing device.

However Delgado discloses

- determining the configuration of an existing program comprises reading a program type and version from an original equipment manufacturer (OEM) ([0044] “the storage media would include all the software necessary to install the retail and original equipment manufacturer (OEM) versions of a professional version, a home version, a student and teacher edition, and foreign language editions of the word processor application.” & [0069] “different versions may include different type...”).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Herrick and Matyas and further include determining the configuration of an existing program comprises reading a program type and version from an OEM by the teachings of Delgado in order to use OEM version expecting software to be installed by a computer reseller so it requests no information during installation. Typically, OEM version and retail version of software product have different installation behaviors (Delgado, [0003]).

Furthermore, Delgado does not disclose

- Comprising OEM string of a desktop management interface (DMI) of the computing device.

However Ahuje discloses

Art Unit: 2191

- OEM string of a desktop management interface (DMI) (col.5 lines 1-3 & lines 20-25.

Ahuje discloses the structure of flash ROM and relationship between OEM string and desktop management interface /system management basic input output system (DMI/SMBIOS)).

- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Herrick, Matyas, Delgado and further include comprising OEM string of a desktop management interface (DMI) of the computing device by the teachings of Ahuje in order to query management information format (MIF) database of a computer system and determine the software and hardware configuration of the system easily and quickly by system administrator using MIF and DMI/SMBIOS associated with OEM string. The MIF contains all information about the computer system and its component such as installation of the new software and hardware (col.1 lines 53-59).

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Matyas and further view of Kadam et al. (US Pub. No. 20030079126 A1, hereinafter "Kadam").

18. Per claim 7 (Original)

the rejection of claim 1 is incorporated

But Mullen and Matyas do not disclose

- determining the configuration of a new program comprises reading configuration information from a header associated with the new program.

However Kadam discloses

Art Unit: 2191

- determining the configuration of a new program comprises reading configuration information from a header associated with the new program ([0029] *“Software installation package 302 includes self-extracting header, installation program, user credentials, and software binaries.”*).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Mullen and Matyas and further include determining the configuration of a new program comprises reading configuration information from a header associated with the new program by the teachings of Kadam in order to use the data and programs within software installation package (Kadam, [0030] *“Self-extracting header includes executable computer code, which is used to uncompress data and programs within software installation package”*).

19. Claims 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick, in view of Matyas.

20. Per claim 15 (Currently amended)

Herrick discloses

A computer-readable medium that stores an installer program, the installer program comprising:

- logic configured to execute on a user computer and determine on the user computer the type and version of an existing operating system embedded in memory of the user computer ([0009] *“The target computer may have an executable program thereon for automatically determining the currency of software installed on the target computer”*).

Art Unit: 2191

- logic configured to execute on the user computer and determine on the user computer the type and version of a new operating system that has been downloaded to the user computer ([0056] *“once the command line processing has been completed, the update program may download a desired build list to allow comparison between the versions of the actual installations to be accomplished on the target computer”*).
- logic configured to execute on the user computer and compare on the user computer the types and versions of the new and existing operating systems ([0009] *“The target computer may have an executable program thereon for automatically determining the currency of software installed on the target computer, comparing the currency of the installed software to a desired configuration list stored on the administrative computer, and obtaining installation software from a library server including necessary updates, upgrades and patches for installation on the target computer.”*).

But Herrick does not disclose

- logic configured execute on the user computer and to determine on the user computer whether installation of the new operating system is authorized based upon the comparison.
- logic configured to execute on the user computer and prevent installation of the new operating system on the user computer if installation is not authorized.

However, Matyas discloses

- logic configured execute on the user computer and to determine on the user computer whether installation of the new operating system is authorized based upon the comparison (col.3 lines 45-55 *“...is compared with the second authorization code in direct or*

*encrypted form. Depending upon the results of this comparison, a system may generate a signal that allows the installation of a piece of software.”).*

- logic configured to execute on the user computer and prevent installation of the new operating system on the user computer if installation is not authorized (col.14 lines 39-43 *“If the installation is not authorized, then the request is rejected...”*).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Herrick with the teachings of Matyas to include logic configured execute on the user computer and to determine on the user computer whether installation of the new operating system is authorized based upon the comparison and logic configured to execute on the user computer and prevent installation of the new operating system on the user computer if installation is not authorized in order to utilize computers equipped in a certain way to ensure that information is accessed and used in an authorized way (Matyas col.3 lines 3-5).

21. Per claim 18 (Original)

the rejection of claim 15 is incorporated and Herrick further discloses

- logic configured to compare the type of the existing operating system with the type of the new operating system ([0009] *“comparing the currency of the installed software to a desired configuration list stored on the administrative computer, and obtaining installation software from a library server including necessary updates, upgrades and patches for installation on the target computer.” & currency refers configurations mentioned in [0025]*).

Art Unit: 2191

But Herrick does not disclose

- logic configured to determine whether installation of the new operating system is authorized.
- However Matyas discloses
- logic configured to determine whether installation of the new operating system is authorized.
- Therefore, Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Herrick with the teachings of Matyas to include determining whether installation of the new program is authorized and preventing installation of the new program if installation is not authorized in order to utilize computers equipped in a certain way to ensure that information is accessed and used in an authorized way (Matyas col.3 lines 3-5).

22. Per claim 19 (Original)

the rejection of claim 15 is incorporated and Herrick further discloses

- logic configured to install the new operating system and replace the existing operating system ([0008] *“The process may begin with the running of an executable program on the target network computer to determine whether the configuration of at least one installed software package on the networked computer is current...”*).

But Herrick does not disclose

- When installation is authorized ...

However Matyas discloses

Art Unit: 2191

- When installation is authorized ...(col.6 lines 4-12 *"The determination of whether the request is for an authorized installation of the software may be based on ..."*).
- Therefore, Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Herrick with the teachings of Matyas to include "When installation is authorized..." in order to utilize computers equipped in a certain way to ensure that information is accessed and used in an authorized way (Matyas col.3 lines 3-5).

23. Claims 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick, in view of Matyas and further view of Mullen.

24. Per claim 16 (Original)

the rejection of claim 15 is incorporated

Herrick and Matyas do not disclose

- logic configured to determine the type and version of an existing operating system comprises logic configured to read configuration information stored in a management interface of the computing device.
- However Mullen discloses  
logic configured to determine the type and version of an existing operating system comprises logic configured to read configuration information stored in a management interface of the computing device ([0024] *i.e. OS configuration setting and application configuration setting are stored in the file system. The file system which is resided in memory where the management interface is located*).

Art Unit: 2191

- The feature of providing logic configured to determine the type and version of an existing operating system comprises logic configured to read configuration information stored in a management interface of the computing device would be obvious for the reasons set forth in the rejection of claim 3.

25. Per claim 26 (New)

the rejection of claim 15 is incorporated

Herrick and Matyas do not disclose

- the installer program comprises part of a software package that is configured for download to the user computer, the software package further including the new operating system such that the installer program will be run on the user computer when the new operating system is downloaded to the user computer and a user attempts to install the new operating system on the user computer.

But Mullen discloses

- the installer program comprises part of a software package that is configured for download to the user computer, the software package further including the new operating system such that the installer program will be run on the user computer when the new operating system is downloaded to the user computer and a user attempts to install the new operating system on the user computer ([0030] “*Alternatively, the technician may use the computer to download and execute the installation package from a remote computer over a network. The invoked installation program then displays (at block 206) installation version information 54 (FIG. 2) to request acknowledgment to proceed with*



*installation of package components. If (at block 208) the version is what the technician intended, then the technician selects to proceed with the installation from the determined installation package.”).*

- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Herrick and Matyas and further include the installer program comprises part of a software package that is configured for download to the user computer, the software package further including the new operating system such that the installer program will be run on the user computer when the new operating system is downloaded to the user computer and a user attempts to install the new operating system on the user computer by the teachings of Mullen in order to use technician to schedule a reboot operation after installation to occur at a time of low usage for the computer, so that the newly installed operation system and application occurs with minimal interruption to the computer operations (see [0030]).

26. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrick, in view of Matyas and further view of Kadam.

27. Per claim 17 (Original)

the rejection of claim 15 is incorporated

Herrick and Matyas do not disclose

- the logic configured to determine the type and version of a new operating system comprises logic Configured to read configuration information from a header associated with the new operating system.

Art Unit: 2191

But Kadam discloses

- the logic configured to determine the type and version of a new operating system comprises logic Configured to read configuration information from a header associated with the new operating system ([0029] *"Software installation package 302 includes self-extracting header, installation program, user credentials, and software binaries."*).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Herrick and Matyas and further include determining the configuration of a new program comprises reading configuration information from a header associated with the new program by the teachings of Kadam in order to use the data and programs within software installation package (Kadam, [0030] *"Self-extracting header includes executable computer code, which is used to uncompress data and programs within software installation package"*).

28. Claims 20,21,24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Matyas.

29. Per claim 20 (Currently amended)

Mullen discloses

- A computing device, comprising: a processor; and memory comprising an existing operating system, a management interface that comprises configuration information that describes the type and version of the existing operating system ([0019] *"The computer further includes an operating system and operating system configuration setting..."* & See Fig. 4).

Art Unit: 2191

an installer program configured to

- determine the configuration of the existing operating system from the configuration information of the management interface ([0028] *“The installation program 52 then processes (at block 156) the application/OS configuration list 56 to determine the operating system configuration settings”*).
- determine the configuration of a new operating system that is to replace the existing operating system from information stored within a software package that contains the new operating system ([0009] *“The application configuration setting information is processed to determine application configuration settings included in the computer for the at least one preexisting application program and the **determined** application configuration settings are copied to application configuration settings **in the second file directory**, wherein the installed at least one application program that executes with the second operating system uses the configuration settings copied to the second file directory.”*).

But Mullen does not disclose

- determine whether installation of the new operating system is authorized through comparison of the configurations of the new and existing operating systems
- prevent installation of the new operating system if installation is not authorized.

However, Matyas discloses

- determine whether installation of the new operating system is authorized through comparison of the configurations of the new and existing operating systems (col.3 lines 45-55 *“...is compared with the second authorization code in direct or encrypted form.*

*Depending upon the results of this comparison, a system may generate a signal that allows the installation of a piece of software.”).*

- prevent installation of the new operating system if installation is not authorized (col.14 lines 39-43 *“If the installation is not authorized, then the request is rejected.”*).
- Therefore, Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Mullen with the teachings of Matyas to include determine whether installation of the new operating system is authorized through comparison of the configurations of the new and existing operating systems and prevent installation of the new operating system if installation is not authorized in order to utilize computers equipped in a certain way to ensure that information is accessed and used in an authorized way (Matyas col.3 lines 3-5).

30. Per claim 21 (Currently amended)

the rejection of claim 20 is incorporated

Mullen further discloses

- the memory comprises re-writable, solid-state memory and wherein the existing operating system is embedded within the solid-state memory ([0019] *“A service processor may include application programs to perform operations such as system monitoring and maintenance for the storage system in which the processor is embedded.”* & [0031] *“a computer readable medium, such as magnetic storage medium (e.g., hard disk drives, floppy disks, tape, etc.), optical storage (CD-ROMs, optical disks, etc.), volatile and non-volatile memory devices (e.g., EEPROMs, ROMs, PROMS, RAMS,*

Art Unit: 2191

*DRAMS, SRAMs, firmware, programmable logic, etc.)*” & reference to claim 4 of Mullen’s invention).

31. Per claim 24 (Original)

the rejection of claim 20 is incorporated and further, Mullen discloses

- the computing device is a terminal computer that does not comprise a hard drive ([0019] *“The computer 2 may include any computing device known in the art”*).

32. Per claim 25 (New)

the rejection of claim 1 is incorporated and Mullen further discloses

- the computing device receiving the software package from a software source via a network, wherein the software package contains the installer program ([0030] *“Alternatively, the service technician may use the computer 2 to access a network location from which the installation packages can be downloaded to apply to the computer 2.”*).
- the computing device identifying the installer program contained in the software package ([0027] *“FIG. 5 illustrates logic implemented in the installation program 52 to install the components in the system installation package 50. ”*).
- the computing device installing the installer program on the computing device prior to determining whether installation of the new program is authorized ([0027] *“During the installation, the preexisting operating system and applications may continue to run and perform operations while the new components 58 and 60 (FIG. 4) are being installed.”*)

Art Unit: 2191

33. Per claim 27 (New)

the rejection of claim 20 is incorporated and further, Mullen discloses

- the installer program comprises part of the software package such that the installer program will be run on the user computer when the new operating system is downloaded to the user computer from a software source and a user attempts to install the new operating system on the computing device ([0030] *“Alternatively, the service technician may use the computer 2 to access a network location from which the installation packages can be downloaded to apply to the computer 2. The technician diagnosis the situation and determines (at block 202) the version of the installation package 50 to apply....”*).

34. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen, in view of Matyas, and further view of Delgado and Ahuje.

35. Per claim 22 (Original)

the rejection of claim 20 is incorporated and Mullen and Matyas do not disclose

- the management interface comprises a desktop management interface (DMI) and the configuration information is stored in an original equipment manufacturer (OEM) string contained within the DMI.

However Delgado discloses

- configuration information is stored in an original equipment manufacturer (OEM) ([0044] *“the storage media would include all the software necessary to install the retail and*

Art Unit: 2191

*original equipment manufacturer (OEM) versions of a professional version, a home version, a student and teacher edition, and foreign language editions of the word processor application.” & [0069] “different versions may include different type...”).*

- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teaching of Mullen and Delgado and further to include configuration information is stored in an original equipment manufacturer (OEM) by the teachings of Delgado in order to use OEM version expecting software to be installed by a computer reseller so it requests no information during installation. Typically, OEM version and retail version of software product have different installation behaviors (Delgado, [0003]).

Furthermore Mullen, Matyas and Delgado do not disclose

the management interface comprises a desktop management interface (DMI) and OEM string contained within the DMI.

- However Ahuje discloses  
the management interface comprises a desktop management interface (DMI) and OEM string contained within the DMI (col.5 lines 1-3 & lines 20-25).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine teachings of Mullen/Matyas/Delgado and further include comprising the management interface comprises a desktop management interface (DMI) and OEM string contained within the DMI by the teachings of Ahuje in order to query management information format (MIF) database of a computer system and determine the software and hardware configuration of the system easily and quickly by

Art Unit: 2191

system administrator using MIF and DMI/SMBIOS associated with OEM string. The MIF contains all information about the computer system and its component such as installation of the new software and hardware (col.1 lines 53-59).

### ***Response to Arguments***

Applicant's arguments with respect to independent claims 1, 15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



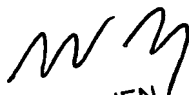
Art Unit: 2191

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.<sup>1</sup>

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

  
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ART UNIT 2191